

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

FILED
John E. Triplett, Acting Clerk
United States District Court
By casbell at 9:56 am, Oct 27, 2020

UNITED STATES OF AMERICA

v.

STEPHEN A. KEATING,

Defendant.

CR 2:12-023

ORDER

The Court has reviewed Defendant Stephen A. Keating's Rule 60 Motion, dkt. no. 137, the parties' related submissions, dkt. nos. 138 and 141-143, and the relevant law. Before ruling on Defendant's Motion, however, the Court directs each party to file a brief addressing the following questions:

1. What percentage of the monthly payments issued from Defendant's Defined Benefit Retirement Plan (the "Payments") is the Government currently garnishing?¹
2. Does Defendant dispute the legality of the Government's *entitlement* to 80% of his Payments (pursuant to the Court's orders located at dkt. nos. 36 and 37), or does

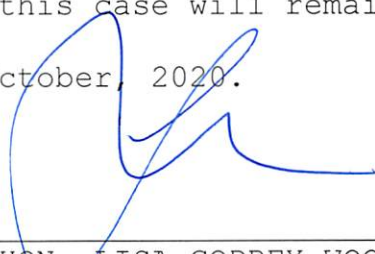
¹ By "garnishing," the Court refers to the "legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt." See 15 U.S.C. § 1672 (defining "garnishment"). In this case, the relevant garnishment order directs Garnishee, SNF Holding Company Defined Benefit Retirement Plan, to "pay 25% of all monthly payments issued from the defined benefit plan to the Clerk of Court, Southern District of Georgia." Dkt No. 119 at 14 (original disbursement order); Dkt. No. 132 at 2 (order amending original disbursement order).

Defendant dispute the legality of the Government's garnishment of 80% of his Payments? Or both?

3. If the Government is currently garnishing only 25% of the Payments, is it continuing to obtain the remaining 55% of its entitlement to 80% of the Payments? If so, by what method is the Government obtaining this remaining 55%?

The parties are hereby **ORDERED**, within seven (7) days of the date of this Order, to file additional briefs addressing only the above questions. In the meantime, this case will remain **STAYED**.

SO ORDERED, this 26th day of October, 2020.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA